



PATENT
ATTORNEY DOCKET NO. 01997/198007

Certificate of Mailing: Date of Deposit: <u>June 21, 2005</u>	
I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Tracey Simmons</u> Printed name of person faxing correspondence	<u>Tracey Simmons</u> Signature of person faxing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	H. Robert Horvitz et al.	Art Unit:	1653
Serial No.:	09/577,897	Examiner:	Gabriele E. Bugaisky
Filed:	May 24, 2000	Customer No.:	21559
Title:	CLONING, SEQUENCING AND CHARACTERIZATION OF TWO CELL DEATH GENES AND USES THEREFOR		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Massachusetts Institute of Technology, the assignee of the entire right, title, and interest in the above-referenced application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), Massachusetts Institute of Technology hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-identified application subsequent to the expiration date of U.S. Patent No. 5,962,301. Massachusetts Institute of Technology does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,962,301 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3) and § 3.73(b), the undersigned attorney of record certifies that Massachusetts Institute of Technology, a university, is the assignee of the entire right, title, and interest in the above application by virtue of:

■ An assignment from the inventors of the application. The assignment was recorded in the Patent and Trademark Office at Reel/Frame 6404/0836 on February 1, 1993.

The undersigned attorney of record has reviewed all the documents in the chain of title of the above-referenced application and to the best of the undersigned's knowledge and belief, title is in Massachusetts Institute of Technology.

Pursuant to 37 C.F.R. § 1.321(b)(4), enclosed is a check for \$65.00 for the fee set

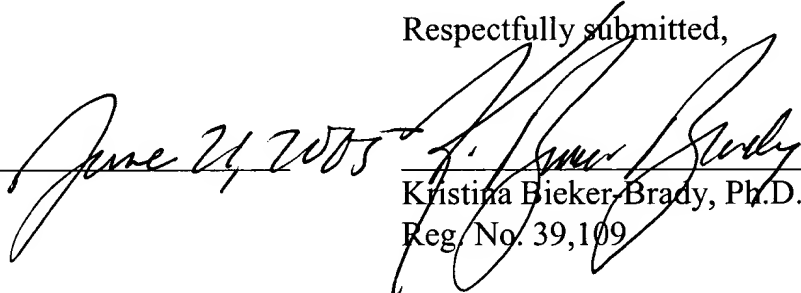
forth in 37 C.F.R. § 1.20(d).

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above-referenced patent application. Any patent granted on the above-referenced application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

If there are any additional charges, or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date:

June 24, 2005


Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045